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LETTER DATED 12 DECEMBER 1996 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF GUINEA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to the issue of Bosnia and Herzegovina which, among others, is being discussed at the Twenty-Fourth Islamic Conference of Foreign Ministers being convened at Jakarta from 9 to 13 December 1996.

In advance of the final resolution concerning this issue, the Organization of the Islamic Conference (OIC) would like to inform the Secretariat and the membership of the Security Council that it considers the full, consistent and comprehensive implementation of the Dayton/Paris Agreement to be of the utmost importance.

OIC considers the following points, each an integral and explicit part of the Dayton/Paris Agreement itself, to be particularly important in the deliberations on the implementation of the Dayton/Paris Agreement:

The independence, sovereignty, legal continuity and territorial integrity of Bosnia and Herzegovina within its internationally recognized borders must be fully supported and preserved;

The importance of the work of the International Tribunal for the former Yugoslavia should not be underestimated for securing peace and reconciliation in Bosnia and Herzegovina and in the region by ensuring that justice is served;

No response has been given to the requests of the President of the Tribunal, Judge Antonio Cassese, even though he has on two occasions written to the President of the Security Council requesting an appropriate response to the lack of cooperation and compliance with the Tribunal and its orders by several parties to the Dayton/Paris Agreement, particularly the Republika Srpska entity of Bosnia and Herzegovina and the Federal Republic of Yugoslavia (Serbia and Montenegro), which, according to the third annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (A/51/292-S/1996/665 of 16 August 1996), have a dismal record on cooperation. These letters are contained in documents S/1996/556 and

S/1996/763. The divergent levels of compliance are described in detail in the Tribunal's report. OIC expresses its satisfaction that, according to the report, the authorities of Bosnia and Herzegovina have been by far the most cooperative party;

OIC further notes the resolution of the Judges of the Tribunal, dated 3 December 1996, expressing the dissatisfaction of the Judges with the support the Tribunal has received from the international community, and attaches the utmost importance to providing an appropriate response to the requests of the President of the Tribunal and in fully supporting the Tribunal in all aspects of its work;

OIC is convinced of the necessity to ensure the right of voluntary return for refugees and displaced persons to their homes of origin and freedom of movement in the interests of preserving a lasting peace, is concerned that efforts to impede such return are not being responded to adequately, and welcomes the establishment on 30 October 1996 of the Coalition for Return, composed of refugees and displaced persons from within and outside Bosnia and Herzegovina, including members of all communities, which supports the realization of annex 7 to the Peace Agreement;

Reports have suggested that the Republika Srpska entity of Bosnia and Herzegovina and perhaps the Federal Republic of Yugoslavia (Serbia and Montenegro) have not been cooperating in good faith with the Subregional Arms Control Agreement, an essential element in confidence-building and in establishing regional stability.

These issues, among others, are now being deliberated in Jakarta during this crucial time to consolidate the peace following the successful completion of the Paris and London conferences. The OIC Contact Group on Bosnia and Herzegovina would recommend that these issues be addressed within the General Assembly in the form of a draft resolution already co-sponsored by many of our friends. We believe that OIC's continuing activity in the pursuit of a stable, just and lasting peace in Bosnia and Herzegovina is of great benefit.

I would be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) M. Aboubacar DIONE
Chargé d'affaires a.i.
Chairman of the Islamic Group
at the United Nations